



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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DECISION RECORD FOR NOVEMBER 2019 COMPETITIVE OIL AND GAS LEASE SALE

BLM EA Number: DOI-BLM-NV-L000-2019-0004-EA

INTRODUCTION

The purpose of the action is to offer nominated parcels for competitive oil and gas leasing on public lands administered by the Ely District Office (EYDO), Nevada, for the November 2019 Competitive Oil and Gas Lease Sale. On September 13, 2019 a Notice of Competitive Oil and Gas Lease Sale (Notice of Sale) was posted announcing an internet based competitive oil and gas lease sale for 263 parcels containing 546,959.252 acres located in the State of Nevada. To comply with *Western Watershed Project et al. v. Schneider et al.* dated October 16, 2019 PI (Case No. 1:16-CV-83-BLW), 165 parcels have been deferred from the sale for further analysis. Additionally, 50 parcels have been deferred for further review.

The remaining 48 parcels nominated for the November 2019 Sale are located within the EYDO, and were screened by the Nevada State Office (NVSO). None of the parcels scheduled to be offered in the November 2019 Sale are located within mapped Greater Sage-grouse habitat. The parcels were then forwarded for interdisciplinary review by the EYDO in a Preliminary Parcel List and Memo. This review included: conformance with the Resource Management Plan (RMP) decisions for each planning area, review of GIS databases, other existing data and previous environmental analyses, and documentation of environmental review in compliance with the National Environmental Policy Act (NEPA) of 1969.

The sale of oil and gas leases is needed to allow continued exploration for additional petroleum and natural gas reserves which would help the United States meet its energy needs and to enable the United States to become less dependent on foreign oil sources. This action by BLM implements the requirements of Executive Order 13212 and the Energy Policy Act of 2005 (Pub.L. 109-58).

DECISION

I have reviewed the Environmental Assessment (EA) for the November 12, 2019 Competitive Oil and Gas Lease Sale, Ely District Office, Nevada (DOI-BLM-NV-L000-2019-0004-EA), and Finding of No Significant Impact (FONSI). It is my decision to approve the sale of all 48 parcels

comprising approximately 111,420.21 acres as described in the EA. The sale of oil and gas lease parcels would adhere to the following:

Leasing Commitments

- Once the leases are issued, the lessee has the right to use as much of the leased lands as is reasonably necessary to explore and drill for oil and gas within the lease boundaries, subject to the stipulations attached to the lease and must obtain BLM approval prior to conducting any new ground disturbing activities.
- Oil and gas leases are issued for a 10-year period and continue for as long thereafter as oil or gas is produced in paying quantities. If a lessee fails to produce oil or gas, does not make annual rental payments, does not comply with the terms and conditions of the lease, or relinquishes the lease; development rights of the minerals revert back to the federal government and the lands may be leased again.
- Prior to any surface disturbing activities, additional site and project specific NEPA analysis is required.
- Drilling of wells on a lease is not permitted until the lease owner or operator secures approval of a drilling permit and a surface use plan as specified under the regulations at 43 CFR 3160 and the Onshore Oil and Gas Orders.
- All exploration and development activities proposed under the authority of these leases are subject to compliance with the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act and Executive Order 13007.
- All development activities proposed under the authority of these leases are subject to compliance with the Mineral Leasing Act, the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, the Endangered Species Act and all other applicable federal, state, and local laws and regulations.

Resource Conservation Measures

- Implementation of the BLM's Best Management Practices
- Adherence to attached parcel stipulations
- Additional project and site-specific NEPA analysis prior to any ground disturbing activities

This decision is issued under the Mineral Leasing Act of 1920, as amended, and Part 3100 of Title 43 of the Code of Federal Regulations, and is effective immediately upon signing of this Decision Record.

A Finding of No Significant Impact (FONSI) supports this decision. The FONSI was prepared separately and accompanies this Decision Record. The selected action coupled with lease stipulations and lease notices detailed in the EA and Final Sale Notice have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not result.

All resource values impacted by the proposed action have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be insignificant for all resources.

CONFORMANCE

BLM has determined that the proposed action is in conformance with the approved land use plan: the 2008 Ely District RMP, as amended. The proposed project is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976, the Endangered Species Act, and the National Historic Preservation Act and is consistent with the applicable plans and policies of federal, state, tribal, and county agencies.

PUBLIC INVOLVEMENT

The preliminary nominated parcel list, along with a map of nominated parcels, was available for review at the NVSO and EYDO Public Rooms. The EYDO EA was posted on the BLM National ePlanning website for a public comment period. The final EA and the selected alternative was developed based on substantive comments from agencies and the public, which were evaluated and considered by the BLM during the decision making process. The November Notice of Competitive Oil and Gas Internet Lease Sale was posted for the required 30 day public protest period. Included in some of the responses to comments and protests, the public was reminded that the BLM is mandated by FLPMA to prevent unnecessary and undue degradation of the public lands and the Department of the Interior's regulations at 43 CFR 3160 defines a wide array of rules which govern the conduct of Onshore Oil and Gas operations. Adherence to these laws and regulations would prevent or minimize the impacts of concern.

An additional project and site-specific environmental evaluation would be conducted for each oil and gas exploration and development proposal submitted by industry. If the evaluation indicates that environmental impacts would be unacceptable, either the project would be modified, mitigation measures would be implemented as conditions of approval (COAs) to reduce the impact, or the proposal could be denied to prevent unnecessary and undue degradation.

RATIONALE


The decision to approve the proposed action is based upon the following: 1) agency statutory requirements; 2) national policy; 3) consistency with RMPs and land use plans; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts; 6) meeting the purpose and need for the project. The action selected was the most environmentally sound alternative that meets the BLM's purpose and need.

The BLM has the responsibility to conduct competitive oil and gas lease sales to allow individuals or companies to explore for and develop oil and gas resources under the Mineral Leasing Act of 1920, as amended, the Mining and Minerals Policy Act of 1980, the Federal Onshore Oil and Gas Leasing Reform Act of 1987, the Energy Policy Act of 2005, FLPMA, and NEPA.


During the preliminary EA review process it was found that some of these lands contained wildlife and other natural resource conflicts. Under the selected alternative, additional resource protection stipulations would be applied to parcels and portions of parcels and all 48 parcels comprising approximately 111,420.21 acres would be offered in this sale.

I have reviewed the EYDO EA, dated October 3, 2019, and after consideration of the environmental effects of the BLM's Proposed Action and alternatives described in the EA and supporting documentation, I have determined that the alternative to offer all 48 parcels (111,420.21 acres) with the project design specifications identified in the EA, and the resource protection stipulations as analyzed in the EA, and as applied in the final Sale Notice will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27; therefore, preparation of an Environmental Impact Statement is not required as per section 102(2)(c) of NEPA.

The Proposed Action was selected because it meets the purpose and need for action and is in conformance with the Ely District RMP, existing laws such as the Mineral Leasing Act, the National Historic Preservation Act, and the Endangered Species Act and is consistent with the BLM's mission to manage the public lands in a manner that is consistent with FLPMA's goal of multiple use and sustained yield while preserving the human environment.



Brian C. Amme
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Nevada State Office



Date